B. Private Property - "rest".

423 "Rest", at least since the days of the Fetha Nägäst and probably earlier, is a form of freehold, with rights and privileges resembling those of a medieval European entail. It is inherited. It is normally free from any statute-labor, It can be expropriated only for rebellion, or certain segments for a public utility such as roadways. The owner has to pay land taxes and a tithe on produce, but can and does pass them on to his tenant.

423 The most important factor regarding "rest" is that
614 it is usually owned by a kinship group, predominantly the patrilineal-patrilocal kin. Land of such a kin group is often referred to as "yäwel märet" (lit. partnership land), and this has led some foreign observers mistakenly to regard Amhara land tenure as communal property. It is that only in a very restricted sense. An individual whose kin have died becomes sole proprietor. At the other extreme, if the next generation has become too numerous, a process of "sharing out" can take place, in which new kinship units "bud off" after the death of a patriarch.

Every few years the elders of a patrilocal kin group allocate land to individuals and to biological (nuclear) families, according to their manpower and to their needs. A father, on the marriage of his son, allocates him some of the kin's "rest" land that he individually holds at the time, so that the son can enjoy the produce of his own labors. In some ways this form

423 614 of land settlement resembles the Middle Eastern (Arab) "musha's" land tenure.

No individual or nuclear family can sell, or otherwise alienate, "rest" land belonging to the kin group. He may ask them for permission to do so, but in Amhara provinces this is usually refused. On the other hand, if he moves to a different province (which has happened particularly since Menelik's borderland conquests), his kinfolk will hold his claim in trust so that a returning grandson can claim his rights in full. He can even do this, in some cases of particularly strong and proud families, if the inheritance is on his mother's side.

It is interesting that the Biblical principle of the kinsman-redeemer of the land is still in force among the Amhara, in the same spirit. Cases of this kind have arisen increasingly in the past decade, because of the emperor's efforts to settle landless squatters, who have worked fallow land and have paid tithe for several years. If such formerly fallow land belonged to 'rest" kin groups, they try to evict the squatters through legal(or sometimes illegal) means, thus "redeeming the land" for the kin group.

423 428 614 For purposes of inheritance, landholding kin usually include all descendants to the "fourth house", i.e. the great-grandsons. After that, disputes usually arise. If no kin survives-- a very rare occurrence--the partners of the "mahabber" sodality to which the deceased belonged, have a final claim, before the land reverts to the regional authority. Affinal relations, except for the mate who shares equally with children of the deceased, are not considred kin for purposes of inheritance of land. If there are no children, [584] the wife has user claims up to half the estate, which would have been her portion in case of divorce.

have been her portion in case of divorce. If the deceased left an infant, the widow is expected to remain with the kin group of the deceased until the child is reared to adulthood. Then she may leave, taking movable belongings that are her share, but, of course, foregoing any claims on real estate. The same procedure is followed in case of her marriage again.

Illegitimate sons, including children of ex-slave concubines, also have the right to inheri their share of "rest", unless the presumed father has publicly rejected them as offspring. Girls who leave the kin group upon marriage, have claims only on movable property, not land. However, if the bridegroom settles on land belonging to the bride's kin, as happens in a minority of cases, the elders will allocate him land, and the male offspring will share in the inheritace.

Allocations of land by the elders to the various biological families used to be made into great events and festivities particularly for the children. This was the only time children were singled out for attention, in this adult-cantered culture. Thus the purpose of firmly impressing the event on their minds, to be always remembered and defended in the future, was achieved. In the absence of written legal titles, this procedure was necessary, and is still followed in some rural districts.

C. Semi-private Real Estate--"gult".

For many centuries past, land, with the peasants occupying it, has been assigned to feudal officers and soldiers, similar to fiefs of medieval Europe. These "gult" lands also resemble in principle the "miri" state lands of

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had been removed, leaving the heads of villages and districts in direct contact with the Italian resident.

Our third example comes from Eritrea. No excuse is needed for this excursion beyond the present borders of Ethiopia, since the Eritrean plateau was until fifty years ago a part, and one of the oldest parts, of the Ethiopian state, and this region may again revert to its former status. In addition, however, we have the great advantage that Dr. Nadel, an anthropologist of experience and authority, has had the opportunity in this region under the British military administration to make a thorough investigation of a land tenure closely resembling that of northern Ethiopia.[1]

On the Eritrean plateau the most characteristic unit was the *enda*, a number of families which claimed to have descended from a single ancestor. This group was not static; it might decline or be dispersed, or it might thrive and reach a size when it became necessary to break up and form new *endas*. It was not an administrative unit, but in certain matters it acted as a unity through meetings of its elders. The administrative unit, the village, generally covered several *endas*, though these may have all descended from a parent *enda*. The village unit might also cut across *endas*.

Above the village administrations, in the days before the Italian conquest, came the hierarchy of the Emperor, his governors and deputy governors. These were often strangers from the south though local chiefs might be promoted to imperial positions. The imperial taxation had to be delivered to these officers, and the Emperor might arbitrarily cut out estates in *gult* for their support, or for that of monasteries or colonies of soldiers posted in these outlying regions to support the Emperor's power.

These rights may be regarded as extraneous to the underlying customary tenures which are divided by Dr. Nadel into three, ownership by the individual (which generally meant the individual family); by the kindred, or *enda*, and by the village. The first two types of ownership might, owing to the blurring of the edges between the three groups by growth or decline, shade off into each other.

In his discussion of family ownership Dr. Nadel gives us an authoritative definition of *resti*, which may cover ownership ranging from that of an individual to that of a large kinship group. This tenure was held by the people to be the most fundamental and sacred, and its characteristics were firstly its relative absoluteness; secondly its hereditary nature,

[1] Nadel, S. F., 'Land Tenure on the Eritrean Plateau', *Africa*, vol. 16, nos. 1 and 2, pp. 1–22, 99–109. The succeeding pages are closely based on this concise report.